

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION**

JOHN DOE,
Plaintiff

v.

DAVID BYRD, ET AL.
Defendants.

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Case No. 1:18-cv-00084
Judge Richardson /Frensley

ORDER

Pending before the Court is the Defendant David Byrd's Motion to Appoint a Guardian *Ad Litem* under Federal Rules of Civil Procedure 17. Docket No. 25. Defendant has filed a Supporting Memorandum of Law indicating that an appointment of a guardian *ad litem* is appropriate as the Plaintiff, John Doe, as a minor lacks the capacity to bring suit in his individual capacity and therefore the appointment of a guardian *ad litem* is appropriate to protect the interest of the minor. Docket No. 26. Plaintiff has filed a Response indicating that since the filing of this action, Doe has obtained the age of majority and now has the capacity to maintain the suit without a guardian *ad litem*. Docket No. 34. Plaintiff has filed an Amended Complaint alleging he is no longer a minor. Docket No. 33, ¶ 7. In light of the foregoing, "Defendant Byrd agrees that the appointment of a guardian *ad litem* is no longer appropriate because Doe has attained the age of majority." Docket No. 37, p. 2.

For these reason, Defendant's Motion to Appoint a Guardian *Ad Litem* (Docket No. 25) is DENIED.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "Jeffery S. Frensley", written over a horizontal line.

JEFFERY S. FRENSLEY
United States Magistrate Judge